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13 [Additional counsel appear on signature page.]

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15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA

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16 DONALD NOBLES, Individually and on 17 Behalf of All Others Similarly Situated, 18 Plaintiff, 19 vs. 20 MBNA CORPORATION, et al., 21 Defendants.) No. C-06-03723-CRB(JL))
) <u>CLASS ACTION</u>
) STIPULATION AND [PROPOSED] ORDER)
) RE: MODIFYING CLASS CERTIFICATION)
) SCHEDULE)
)

1 WHEREAS, the parties have determined that a mediation at this juncture would be helpful to
2 ascertain if a resolution of the litigation is possible and accordingly a mediation has been scheduled
3 for April 3, 2008;

4 WHEREAS, the parties had previously submitted two stipulations requesting more time
5 before class certification briefing to conduct and review discovery and to resolve any disputes that
6 arose during the discovery process;

7 WHEREAS, by stipulation of parties on December 19, 2007, the Court entered an order
8 modifying the class certification schedule pursuant to which plaintiff would file his motion by April
9 14, 2008 with the hearing to be noticed for June 27, 2008;

10 WHEREAS, production of documents by defendants is not yet complete and plaintiff is
11 expecting the production of documents (i) from the personal files of the intended Rule 30(b)(6)
12 deponents, depositions which have not yet occurred, and (ii) those stored at an Iron Mountain facility
13 in Delaware that have already been reviewed by plaintiff's counsel but are pending production to
14 plaintiff after defendants' review of these documents for privilege;

15 WHEREAS, the parties have agreed that it would be in the best interests of judicial economy,
16 and the most efficient use of counsel's time and resources to postpone briefing on class certification
17 issues so that the parties can focus on resolving the case through mediation;

18 WHEREAS, the Court had previously stayed the ongoing matter on March 6, 2007 while
19 parties attempted to mediate;

20 WHEREAS, the parties are hopeful that they can resolve the matter, but have agreed upon an
21 alternative schedule should the mediation prove to be unsuccessful;

22 THEREFORE, the parties, by and through their counsel, stipulate and agree that:

23 1. Defendants will produce the pending discovery of documents stored at an Iron
24 Mountain facility in Delaware as well as from the personal files of the intended Rule 30(b)(6)
25 deponents by March 31, 2008;

26 2. Defendants will provide dates for and plaintiff will take defendants' Rule 30(b)(6)
27 designee depositions during the three weeks commencing April 14 and ending May 2, 2008;

28 3. The deadline for plaintiff to move for class certification shall be May 23, 2008;

- 1 4. Defendants' opposition brief shall be due on June 27, 2008;
- 2 5. Plaintiff's reply shall be due on July 28, 2008; and
- 3 6. Plaintiff's motion for class certification shall be noticed for hearing on August 8,
- 4 2008 or thereafter.

IT IS SO STIPULATED.

6 | DATED: March 14, 2008

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1 DATED: March 14, 2008

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22 I, Azra Z. Mehdi, am the ECF User whose ID and password are being used to file this
23 Stipulation And [Proposed] Order Re: Modifying Class Certification Schedule. In compliance with
24 General Order 45, X.B., I hereby attest that Sharon Douglass Mayo has concurred in this filing.

25 /s/ Azra Z. Mehdi
26 AZRA Z. MEHDI

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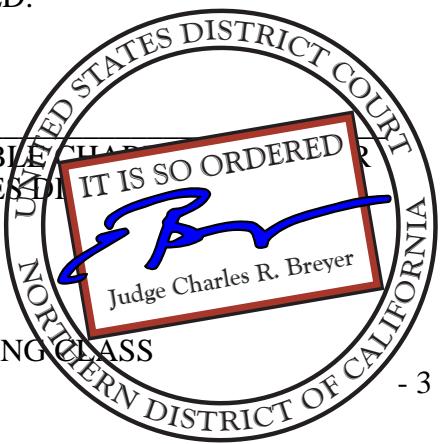
28 **O R D E R**

29 PURSUANT TO STIPULATION, IT IS SO ORDERED.

30 DATED: March 4, 2008

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32 THE HONORABLE CHARLES R. BREYER
33 UNITED STATES DISTRICT JUDGE

34 IT IS SO ORDERED
35 
36 Judge Charles R. Breyer

37 STIPULATION AND [PROPOSED] ORDER RE: MODIFYING CLASS
38 CERTIFICATION SCHEDULE - C-06-03723-CRB(JL)